

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**IN RE: TERRORIST ATTACKS ON
SEPTEMBER 11, 2001**

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:
: **Civil Action No.**
: **03 MDL 1570 (GBD) (SN)**
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This Document Relates to
***Grazioso, et al. v. The Taliban, et al.*, 1:22-cv-01188 (GBD)(SN)**

**PLAINTIFFS' MOTION FOR PARTIAL FINAL DEFAULT JUDGMENT
AGAINST DEFENDANT TALIBAN**

Plaintiffs Joseph Carpeneto as Personal Representative of the Estate of Joyce Ann Carpeneto, Herman Ray as Personal Representative of the Estate of Denease Conley, Tanya Davis as Personal Representative of the Estate of Wayne T. Davis, Vito Garfi as Personal Representative of the Estate of Francisco Garfi, Deborah Grazioso as Personal Representative of the Estate of Timothy Grazioso, Melodie Homer as Personal Representative of the Estate of LeRoy W. Homer, Barbara Lurman as Personal Representative of the Estate of Leon Lebor, Elizabeth Medaglia-Cordes as Personal Representative of the Estate of Rocco Medaglia, Amy Martinez as Personal Representative of the Estate of Louis J. Nacke, Dian Dembinski as Personal Representative of the Estate of Sandra Wright-Cartledge, Aaron Adler, Isabell Dansinger Adler, Jay Adler, Arline Peabody-Bane, Brenda E. Jobe, Brian Major, Joseph Carpeneto, James Casazza, Michael Chirchirillo, Nicholas Chirchirillo, Leslie Coale Brown as Personal Representative of the Estate of Joan Ann Coale, Daniel D. Coffey, M.D. as Personal Representative of the Estate of Daniel F. Coffey, Jr., Daniel D. Coffey, M.D. as Personal Representative of the Estate of Jeanette Coffey, Colleen McDonald, Susan Bohan, Keith Bradkowski, Kathryn E. Collman, Charles Edward Gengler, Steven Gengler, Vicki Lynn Michel,

Keith Bradkowski as Personal Representative of the Estate of Beverly Sutton, Carolyn Sutton, Cherrie L. Allen, Irma Joyce Fletcher, Barbara Haynes-Jenkins, Myra Bird as Personal Representative of the Estate of Earl Ray, Herman Ray, Herman Ray as Personal Representative of the Estate of James Ray, Odetta Haywood as Personal Representative of the Estate of Stanley Ray, Gabrielle Hunter Davis, Malachai Roarke Davis, Tanya Davis, Noverta Davis-Dean, Anita DeBlase, Anthony DeBlase, Richard DeBlase, Jason Diehl, Harley DiNardo as Personal Representative of the Estate of Esterina DiNardo, Harley DiNaro, Pio DiNardo, Andrew Economos, Andrew Economos and Olga Valinotti, as co-Personal Representatives of the Estate of Leon Economos, Olga Valinotti, Corazon Fernandez as Personal Representative of the Estate of Cirilo Fernandez, Richard Fernandez, Timothy Regan as Personal Representative of the Estate of Emma Fernandez Regan, Constance Finnicum, George "Gabe" Gabrielle, Renee L. Gamboa, Renee L. Gamboa as Personal Representative of the Estate of Ranulf Gamboa, Maria Joule, Rachael G. Malubay, Marianna Garfi, Salvatore Garfi, Vito Garfi, John Haller as Personal Representative of the Estate of James Bond Godshalk, Jane G. Haller, Carolee Azzarello, Kristy Grazioso as Personal Representative of the Estate of Hank Grazioso, Kathryn Grazioso, Kristen Grazioso, Kristy Grazioso, Michael Grazioso, Carolee Azzarello as Personal Representative of the Estate of Sandra Grazioso, Karen Ventre, Carolee Azzarello, Briana Grazioso, Deborah Grazioso, Kristy Grazioso as Personal Representative of Hank Grazioso, Kristy Grazioso, Lauren Grazioso, Carolee Azzarello as Personal Representative of the Estate of Sandra Grazioso, Karen Ventre, Douglas Halvorson, Kate Halvorson as Personal Representative of the Estate of Evelyn Halvorson, Kate Halvorson, Lea Michaela Havlish, Sean Bitterman, Derrick Hobin, Teresa Cooke, Christine Homer as Personal Representative of the Estate of Thomas Freimark, Michelle Hargis, Christine Homer, Ilse Homer, Laurel Homer, Melodie Homer, Monique Homer, Marilyn

Johnson, Cheryl Homer- Wilson, Germaine Wilson, Kevin Jian, William Jian, Audrey R. Jones, Candy Jones-Moyer as Personal Representative of the Estate of John R. Jones, Robert A. Jones, Candy Jones Moyer, Andrew Brian Jordan, Jr., Dina LaFond, Paul Lavelle, Rina “Joy” Kaufman, Rina “Joy” Kaufman as Personal Representative of the Estate of Bessie Lebor, David Lebor, Rina “Joy” Kaufman as Personal Representative of the Estate of Philip Lebor, Barbara Lurman, Cathryn Lostrangio, Diane Lostrangio as Personal Representative of the Estate of James Lostrangio, Joseph Lostrangio, Jr., Erich Maerz, Daniel R. Maher, Joseph F. Maher, MaryEllen Megaglia as Personal Representative of the Estate of Annemarie Medaglia, Diana Medaglia, MaryEllen Medaglia, Michael Medaglia, Elizabeth Medaglia-Cordes, Kathleen Medaglia-Dellapenna, Jesse Melendez, Ramon Melendez, Jr., Ricky Melendez, Tyler Melendez, Margaret Montanez, Florence Rosario, Peter C. Milano, Jessica Milano-Starks, Maria Lambert, Maria Lambert and Johnny S. Mistrulli, as co-Personal Representatives of the Estate Anne Mistrulli, Joanne Mistrulli as Personal Representative of the Estate of Frank Mistrulli, Johnny S. Mistrulli, Jason Ruben Moreno, Leiana Moreno, Noelia Moreno, Mary Ellen Murach as Personal Representative of the Estate of Edward John Murach, Mary Ellen Murach, Richard J. Murach, Katherine Tynion, Amy Martinez, Dale Allen Nacke, Joseph Nicholas Nacke, Kenneth Nacke, Dale Allen Nacke as Personal Representative of the Estate of Louis P. Nacke, Louis Paul Nacke II, Paula Nacke-Jacobs, Dale Allen Nacke as Personal Representative of the Estate of Philomena Millace Nacke, Thomas Papasso, Joel R. Perry as Personal Representative of the Estate of James Leslie Perry, Amanda Rogers, Claudia Stallworth, Roosevelt Stallworth, Angela Stallworth-Blunt, Adam Reiss, Gary Reiss, Jennifer Reiss, Johnathan Reiss, Jordan Reiss, Diana Diaz, Diana Diaz as Personal Representative of the Estate of Carmen Romero, Diana Diaz as Personal Representative of the Estate of Isaac Romero, Audrey Model, Loren Rosenthal as Personal

Representative of the Estate of Evan Rosenthal, Audrey Model as Personal Representative of the Estate of the Estate of Florence Rosenthal, Audrey Model as Personal Representative of the Estate of the Estate of Leonard Rosenthal, Loren Rosenthal as Personal Representative of the Estate of Seth Rosenthal, Raymond Santillan, Victor Santillan, Lori Brody, Naomi-Ruth Shefi, Roy-Yetkutiel Shefi, Sarah Funk, Matt Sloan, Barbara Hargrove, Christine Jackson, Raymond Smith as Personal Representative of the Estate of Deborah Sallad, Carl Smith, Kevin Smith, Korry Smith, Letricia Smith, Raymond Smith, Jr., Elania Smith-Wylie, Raymond Smith as Personal Representative of the Estate of Marion Thomas, Tanya Warren, Michelle Donlan, Andrew J. Soulas, Christopher Soulas, Daniel Soulas, Daniel D. Soulas, Frederick Soulas, Frederick Soulas III, Matthew Soulas, Nicole Soulas, Stephen Soulas, Timothy P. Soulas, Aaron Straub, Edward A. Straub, Johnathan Straub, Matthew Straub, Michael Straub, Stanley Straub, Jeffrey Tino, Salvatore Tino, Jr., Salvatore Tino III, Christopher Barton, John Barton, Mellanie Chafe, Joseph Nicklo, Lynne Dunn as Personal Representative of the Estate of John “Jack” Bradish, Dian Dembinski, Stephen Bradish, Melanie D. Buchman as Personal Representative of the Estate of Loretta Haines, Patricia Mason, Geraldine Deborah Spaeder, Debra Zeplin, Ethan Zeplin, and Ryan Zeplin, by and through counsel, hereby move this Honorable Court for Partial Final Default Judgment against Defendant Taliban and for awards thereupon for compensatory damages, including economic loss damages and conscious pain-and-suffering damages, or solatium damages, and pre-judgment interest, all trebled damages under 18 U.S.C. § 2333(a) in favor of the above-named *Grazioso* Plaintiffs. As has been done in other cases in this MDL, the issue of punitive damages would be deferred until a later date as the Court may direct.

The above-named Plaintiffs, in this Motion, at this time, seek entry of partial final default judgment against one of the four named Defendants, the Taliban.

In support of Plaintiffs' Motion for Partial Final Default Judgment Against Defendant Taliban, Plaintiffs will submit substantial evidence, some to be publicly available and some to be sealed in the Court, at, or before, as may be directed by the Court, an evidentiary hearing to be held to establish that: the Defendant Taliban is liable to the Plaintiffs as a result of the Taliban's participation in the conspiracy to commit the terrorist attacks upon the United States on September 11, 2001, generally known as "9/11"; that the Taliban provided direct and material aid and support to al Qaeda in preparation for, and in the aftermath of, the terrorist attacks on September 11, 2011; and that the Taliban did so in concert with al Qaeda, the Islamic Republic of Iran, and Iran's agencies and instrumentalities, most notably, but not limited to, Hezbollah.

As shown by the Certificate of Default issued by the Clerk of this Court, SDNY, and as summarized in the Declaration of Timothy B. Fleming (hereinafter "Fleming Declaration"), Defendant Taliban was served with process in this case properly and in accordance with applicable law, and the Taliban has never responded to the duly served Summons and Second Amended Complaint.

As detailed in the Fleming Declaration and exhibits thereto, the Plaintiffs' economic and non-economic damages were calculated pursuant to appropriate methodology and expert analysis, in a manner consistent with the damages awarded to plaintiffs in *Havlish, et al. v. Bin Laden, et al.* 03-CV-9848 (GBD)(FM), as well as other cases in this MDL. The evidence supporting such damages will be presented in an evidentiary hearing and/or in other manner as directed by this Court. Thereupon, Plaintiffs request partial final default judgment, including awards of economic and non-economic damages in amounts consistent with the damages awarded to other plaintiffs in this MDL, beginning with *Havlish*.

Plaintiffs further request that prejudgment interest on non-economic damages be awarded at the rate of 4.96 percent, compounded annually, from the period from September 11, 2001, until the date of judgment in this case, consistent with *Havlish* and other cases in this MDL.

Plaintiffs further request that all damages awarded to the Plaintiffs in this case be trebled under the Anti-Terrorism Act, 18 U.S.C. § 2333.

The judgment amounts sought here for each plaintiff are reflected in standardized exhibits, consistent with the Court's orders in this MDL. All standardized exhibits are appended to the Fleming Declaration filed contemporaneously herewith and incorporated here by reference. See MDL Doc. No. 9355 (September 22, 2023 Order setting forth information the Court requires to adjudicate a default judgment motion) and MDL Doc. No. 9435 (November 14, 2023 Order confirming same). The Motion complies with this Court's orders regarding due diligence procedures to ensure the judgments sought are not duplicative of any judgments already rendered or have applications for judgment pending. See Fleming Declaration and Levitt Declaration, filed separately in support of this Motion.

Consistent with the procedure followed in other cases in this MDL, Plaintiffs reserve for later presentation and decision the issue of awards of punitive damages.

Dated: February 18, 2025

Respectfully submitted,

/s/ Timothy B. Fleming

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Katharine Tynion*